

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

CLARENCE COCROFT, et al.,

Plaintiffs,

v.

CHRIS GRAHAM, et al.,

Defendants.

Civil Action No. 3:23-cv-00431-MPM-JMV

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF
THEIR UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO DEFENDANTS' MOTION TO DISMISS**

Plaintiffs, Clarence Cocroft and Tru Source Medical Cannabis, LLC, respectfully submit this memorandum in support of their motion for an additional nine days to respond to Defendants' Motion to Dismiss (ECF 13), making the date for response January 12, 2024. In support of the motion, Plaintiffs state as follows:

1. Plaintiffs filed this action on November 13, 2023. ECF 1.
2. On December 20, 2023, Defendants filed a Motion to Dismiss. ECF 13.
3. Absent an extension, Plaintiffs' response to Defendants' motion to dismiss is due January 3, 2024. *See* L.U.Civ.R. 7(b)(4).
4. Federal Rule of Civil Procedure 6(b)(1)(A) allows the Court to extend the time to respond to a motion to dismiss if a motion for an extension is made before the original time for response has expired. The Fifth Circuit recognizes that Rule 6(b) grants district courts broad authority to extend deadlines. *L.A. Pub. Ins. Adjusters, Inc. v. Nelson*, 17 F.4th 521, 524 (5th Cir. 2021). Indeed, "[i]f done prior to the expiration of the time limit at issue, a court may extend the period for any reason, upon a party's motion or even on its own initiative." *Id.* "[A]n application

for extension of time under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” 4B Wright & Miller, Fed. Prac. & Proc. Civ. § 1165 (4th ed. 2023 update).

5. Plaintiffs seek this extension in good faith and the extension will not prejudice the Defendants. Plaintiffs seek this nine-day extension in light of the forthcoming end-of-year holidays. *See, e.g., Palmer v. Kirkwood*, 2020 WL 13905123, at *1 (E.D. Tex. Dec. 23, 2020) (finding good cause to extend the deadline to answer “due,” in part, “to the upcoming holidays”). Plaintiffs’ attorneys plan to spend the holidays with their families. Moreover, the law firm for Plaintiffs’ attorneys will be closed from December 25, 2023, through January 1, 2024, limiting their access to resources during that period. The extension will not prejudice Defendants, whose attorneys have agreed to the extension.

6. This is Plaintiffs’ first request for an extension of time.

7. Counsel hereby certifies that he has conferred with opposing counsel concerning this Motion on December 21, 2023, and they do not oppose it.

Dated: December 22, 2023.

Respectfully submitted,

/s/ Ari S. Bargil
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2023, a true and correct copy of Plaintiffs' Memorandum in Support of Their Unopposed Motion for Extension of Time was filed with the Clerk of the court and sent via U.S. Mail to the following Defendants:

Chris Graham
Commissioner
Mississippi Department of Revenue
500 Clinton Center Drive
Clinton, MS 39056

Pat Daily
Chief of Enforcement
Mississippi Alcoholic Beverage Control Bureau
Mississippi Department of Revenue
500 Clinton Center Drive
Clinton, MS 39056

Dr. Daniel P. Edney
State Health Officer
State of Mississippi Department of Health
570 East Woodrow Wilson Drive
Jackson, MS 39216

/s/ Michael T. Lewis, Sr.
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LEWIS & LEWIS ATTORNEYS

/s/ Ari S. Bargil
Ari S. Bargil*
INSTITUTE FOR JUSTICE

**Admitted pro hac vice*